

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

DARION MERRIWEATHER)
Plaintiff,) Case No. 1:24-cv-194
v.) Judge Travis R. McDonough
STATE OF TENNESSEE et al.,) Magistrate Judge Christopher H. Steger
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court for case management purposes. Plaintiff filed this action on June 11, 2024, along with a motion to proceed in forma pauperis. (See Docs. 1, 2.) On February 20, 2025, Magistrate Judge Christopher Steger ordered Plaintiff to either pay the filing fee within 30 days or submit a certified copy of his inmate trust account. (See Doc. 9.) Magistrate Judge Steger warned Plaintiff that if he did not, this action would be dismissed for failure to prosecute and he would be assessed the full filing fee. (See *id.* at 2.) Plaintiff has not paid the filing fee or submitted a certified copy of his inmate trust account. Accordingly, this action is **DISMISSED WITHOUT PREJUDICE** pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

Furthermore, Plaintiff will be **ASSESSED** the filing fee of \$405. The custodian of Plaintiff's inmate trust account will be **DIRECTED** to submit to the Clerk, U.S. District Court, 900 Georgia Avenue, Suite 309, Chattanooga, Tennessee, 37402, as an initial partial payment, whichever is the greater of: (a) twenty percent (20%) of the average monthly deposits to Plaintiff's inmate trust account; or (b) twenty percent (20%) of the average monthly balance in

his inmate trust account for the six-month period preceding the filing of the complaint. 28 U.S.C. § 1915(b)(1)(A) and (B). Thereafter, the custodian of Plaintiff's inmate trust account shall submit twenty percent (20%) of Plaintiff's preceding monthly income (or income credited to his trust account for the preceding month), but only when such monthly income exceeds \$10.00, until the full filing fee of \$405 has been paid to the Clerk's Office. *McGore v. Wrigglesworth*, 114 F.3d 601, 607 (6th Cir. 1997), *overruled on other grounds by Jones v. Bock*, 549 U.S. 199 (2007).

To ensure compliance with the fee collection procedure, the Clerk will be **DIRECTED** to provide a copy of this order to the custodian of inmate accounts at the Hamilton County Jail and the Court's financial deputy. This order shall be placed in Plaintiff's institutional file and follow him if he is transferred to another correctional facility. The Court **CERTIFIES** that any appeal from this dismissal would not be taken in good faith. The clerk is **DIRECTED** to close the case.

SO ORDERED.

/s/ *Travis R. McDonough*

TRAVIS R. MCDONOUGH
UNITED STATES DISTRICT JUDGE